

REMARKS/ARGUMENTS

Claims 1-6, 8, 10-14, 16-22, and 25-40 are pending in the present application. Claims 1 and 8 are amended. Claims 1, 8, 14, 19, 27, and 32 are the only independent claims.

I. Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-6, 14, 16-22, 25, 27-30, 32-34, and 36-40 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 5,842,698 to Brown (“Brown”) in view of U.S. Patent No. 6,217,448 B1 to Olsen (“Olsen”), and U. S. Patent No. 6,164,651 to Webb (“Webb”). Claims 8, 10-13, and 35 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brown in view of Olsen, Webb, and U.S. Patent No. 6,155,925 to Giobbi *et al.* (“Giobbi”). Claims 26 and 31 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brown in view of Olsen, Webb as applied to claims 19 and 27, in yet further view of U.S. Patent No. 6,517,073 to Vancura (“Vancura”).

Personal Interview

The Applicants note with appreciation the personal interview of May 7, 2009, with Examiners Omkar A. Deodhar and John Hotaling. The Applicants’ representatives were attorneys Jeremie Moll and Sorinel Cimpoes. The Applicants agree with the Interview Summary.

During the interview, the Applicants’ representatives explained that Webb, just like Brown, fails to disclose a non-eligible player making a side wager. Webb discloses a baccarat-type of game in which all the players are eligible players for a winning hand. If Webb’s players

bet on a winning hand (whether the “player hand” or the “banker hand”), all the players win at least their wager back. If the players also bet on a proposition wager area, the players win a bigger award. But, the bigger award is part of the game and all the players are eligible for winning the award if they bet on the proposition wager area. Thus, betting on a proposition wager area is not analogous to the “progressive award” of the pending claims. The Examiners agreed that Webb fails to disclose the claimed non-eligible player and that Webb “does not render Applicants’ invention obvious.”

Nevertheless, the Examiners noted that U.S. Patent No. 5,770,553 to Franchi (“Franchi”) may teach the side wagering claimed in the present application. A careful review of Franchi failed to identify the side wagering aspect of the present claims. As briefly discussed with Examiner Hotaling, after reviewing Franchi during the interview, Franchi appears to vaguely mention “over-the-shoulder” bets, but fails to disclose the side wagering of the present claims. Franchi at col. 19, ll. 14-17.

Accordingly, it was agreed during the interview that the pending claims are patentable over the cited art of record. The Applicants respectfully submit that the pending claims are also patentable over Franchi.

CONCLUSION

It is the Applicants' belief that all the pending claims are now in condition for allowance, and thus reconsideration of this application is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

Upon filing of this response, a fee of \$130 is being paid for a one-month extension of time via the deposit account identified below. It is believed that no other fees are presently due. However, should any other fees be required, the Commissioner is authorized to deduct the fees (except for payment of the issue fee) from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000207USPT.

Respectfully submitted,

Date: May 21, 2009

By: /Sorinel Cimpoes – Reg. No. 48,311/
Sorinel Cimpoes
Nixon Peabody LLP
161 N. Clark Street, 48th Floor
Chicago, Illinois 60601-3213
(312) 425-8542

ATTORNEY FOR APPLICANTS